IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 8487 OF 2005
(For leave to appeal)
IN
CRIMINAL APPEAL NO. OF 2006
(against the order of acquittal)

The State of Maharashtra ..... Applicant.

V/s

Bhagwan Bhagoji Lamb & Anr. ..... Respondents.

Mrs. M.M. Deshmukh, APP for the applicant - State.

None for respondents.

CORAM: V.M. KANADE, J.
DATE : 15th October, 2007

P.C.:

1. Heard.

2. Leave granted.

3. Admit.

4. I have noticed while hearing applications filed for seeking leave to appeal that composite applications, as contemplated under Rule 19 of Chapter XXVI of the Bombay High Court, Appellate Side Rules, 1960 are not filed and two separate applications are filed; one seeking leave to file appeal and alongwith this application, a separate criminal

appeal is also filed. A practice which is followed by the Office is that after leave is granted, a separate number is given to the criminal appeal. Rule 19 reads as under:-

> 19. *(i)* Every application for leave under section 378(3) should be a composite application giving necessary facts and circumstances of the case alongwith the grounds which may be urged in the appeal with a prayer to entertain the appeal. The appellant shall file alongwith application two typed copies of composite application and the Judgment or Judgments of the Court concerned.
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> *(ii)* If the leave to appeal is granted, the composite application presented shall be entered in the register of appeals and numbered accordingly. The appellant shall forthwith supply the requisite Court-fee stamps prescribed for the appeal. The Sessions Court shall be required to prepare five paper-books."

5. What the rule contemplates is that alongwith the

composite application, two typed copies of composite application and the judgment or judgments of the Court concerned should be filed by the appellant and after leave is granted, the composite application presented alongwith main application is to be numbered as appeal.

6. The Office is directed to ensure that composite application as contemplated under Rule 19 is filed by the advocates.

(V.M. KANADE, J.)